

Environmental Quality Commission

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ENVIRONMENTAL QUALITY COMMISSION
14 REILLY ROAD
FRANKFORT, KENTUCKY 40601-1132

PAUL E. PATTON
GOVERNOR

June 15, 2003

J. I. Palmer, Jr.
Regional Administrator
US EPA, Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, SW
Atlanta, GA 30303

Dear Administrator Palmer:

The Kentucky Environmental Quality Commission would like to again strongly urge the U.S. Environmental Protection Agency Region IV to strengthen its public participation and outreach efforts in regard to the Martin County Coal slurry spill of Oct. 2000.

While a Community Relations Center was established in Inez 6 months after the spill, this site closed in 2001. EPA Community conference calls stopped soon after that. The public has since not had access to information concerning the site except for a report repository located in Martin County. The most recent information about the Martin County Slurry spill on the U.S. EPA Web site dates 2001.

Two years ago in a letter to EPA, the commission expressed great concern that the public was being left out of the decision-making process concerning the cleanup and restoration of areas and waterways impacted by the Martin County Coal slurry spill. The commission requested that EPA establish a public advisory committee, a web site and newsletter concerning restoration and other activities at the Martin County slurry spill. The U.S. EPA responded that they would consider this request. However, none of these recommendations were implemented. During a commission forum on the Martin County spill on June 16, 2003 U.S. EPA officials indicated that since the restoration plan is part of an Agreed Order there is no opportunity for public involvement or participation. Citizens at the meeting complained about lack of information about the cleanup process and the inability to access EPA officials regarding the spill and efforts underway to address concerns.

The commission strongly recommends that a Martin County Coal Slurry Spill public advisory committee be established as soon as possible to allow for meaningful public input and to share timely information about the restoration plan and related matters. According to the U.S. EPA's Public Involvement Policy, finalized in May 2003, the agency recognizes the important role of citizen participations. The strategy states "**That**

EPA should continue to provide for meaningfully public involvement in all of its programs, and consistently look for new ways to enhance public input.” The policy “reaffirms EPA's commitment to early and meaningful input” “to foster a spirit of mutual trust, confidence and openness between the Agency and the public.”

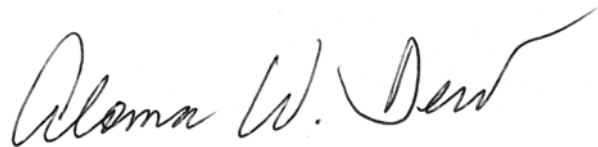
Based on the goals and objectives of the EPA Public Involvement Policy, EQC suggests the following be pursued by EPA Region 4 in regard to the Martin County Coal slurry spill:

- A public advisory committee be established (composed of citizen, academic, environmental, local and state officials – both statewide and local interests) to allow for meaningful discussion and input on the restoration plan and activities.
- Quarterly newsletters or fact sheets be prepared by the U.S. EPA to update the citizens of Kentucky on key restoration activities, timelines, water quality and sediment sampling and results, and other issues pertinent to the site.
- At least one public meeting be held every 8 to 12 months to provide a status report on cleanup activities.
- An EPA Web site be created with access to reports and other information pertaining to the site.
- A contact person at the EPA be identified to allow the public to email or telephone, toll free, questions concerning the site.

Given, that the Martin County Coal slurry spill was the largest blackwater spill in the history of the Southeastern United States with more than 100 miles of waterways impacted, it only makes sense that the public wants to be involved and remain informed about the status of the cleanup. This was a major spill and the public has a right to know the status of the cleanup. The commission urges the U.S. EPA to move forward with this request. The commission would also like to encourage EPA and Massey Energy to provide funding to the public advisory committee through a Technical Assistance Grant or through other means to assist the committee interpret documents and conduct independent water quality sampling and testing.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, reading "Aloma W. Dew". The signature is fluid and cursive, with a long, sweeping line extending from the end of the name.

Aloma Dew, Chair
Environmental Quality Commission

Cc: Gov. Paul Patton
Kentucky Congressional Delegation
Marianne L. Horinko, Acting U.S. EPA Administrator
Hank List, Secretary, Ky. Natural Resources and Environmental Protection
Cabinet
Tom Welborn, U.S. EPA Region IV
Bob Logan, Ky. Dept. for Environmental Protection